



April 29, 2015

The Honorable Fred Upton
Chairman
U.S. House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
U.S. House Committee on Energy & Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Pallone:

On behalf of the trade associations representing the manufacturers of cosmetics and over-the-counter (OTC) drugs, we write to you today regarding the "Microbead-Free Waters Act of 2015" (H.R. 1321). This important legislation would ban the distribution of cosmetic products that contain microbeads by January 1, 2018.

As you know, the cosmetics and OTC drug industries support a national standard for regulating products that contain synthetic plastic microbeads that includes appropriate phase-out dates for microbeads in personal care products, appropriate definitions of synthetic plastic microbeads and plastics, and expansion of the bill to include OTC drugs containing synthetic plastic microbeads.

Plastic microbeads are used in cosmetic and personal care cleansing products because of their safe and effective exfoliating properties. However, our industries take concerns about the presence of plastic microbeads in the environment very seriously. Out of an abundance of caution and despite the absence of any peer-reviewed science on the contribution from these products to plastic microbeads in the marine environment, our member companies have voluntarily committed to discontinue formulating their products with synthetic plastic microbeads in favor of other viable alternatives by 2019.

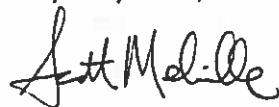
Last year, the Personal Care Products Council (PCPC) and the Consumer Healthcare Products Association (CHPA) supported state legislation to ban microbeads in exfoliating and cleansing personal care products and OTC drug products by participating in a collaborative effort with a wide range of environmental, governmental and businesses stakeholders in Illinois. So far, four other states have enacted an identical law – Colorado, Indiana, Maine, and New Jersey. We expect this law to be adopted in several other states this spring. The Council of State Governments has adopted the IL law as suggested model legislation for 2015.

The laws enacted in these states contain the following provisions, which are supported by both CHPA and PCPC:

- “Microbeads” are defined as “synthetic plastic microbead – intentionally added non-biodegradable solid plastic particle measured less than 5 millimeters in size; used to exfoliate or cleanse in a rinse-off formulation.”
- “Plastic” is defined as “synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal.” (This prevents other compounds, such as beeswax or carnauba wax, from being included in the definition unintentionally)
- Applies to “personal care products” and OTC drugs that are personal care products
- January 1, 2018 manufacturing ban for personal care products with synthetic plastic microbeads / January 1, 2019 sales ban
- January 1, 2019 manufacturing ban for OTC drugs with synthetic plastic microbeads / January 1, 2020 sales ban

Again, thank you for introducing H.R. 1321 and your interest in ensuring a safe environment and high degree of water quality in our nation’s waterway system. We share your goal of eliminating synthetic plastic microbeads from the water supply, and look forward to working with you as your legislation advances.

Very Truly Yours,



Scott M. Melville
President and CEO
Consumer Healthcare Products Association



Lezlee Westine
President and CEO
Personal Care Products Council

About CHPA

The Consumer Healthcare Products Association (CHPA) is the not-for-profit association representing the leading manufacturers and marketers of over-the-counter medicines and dietary supplements. CHPA is committed to promoting the increasingly vital role of OTCs and dietary supplements in America's healthcare system through science, education, and advocacy. The association provides leadership and guidance on regulatory and scientific issues to Congress; state legislatures; and federal, state, and international government agencies. CHPA shares educational tools and information with partners across the globe to ensure the safe and responsible use of OTC medicines.

About PCPC

The Personal Care Products Council is the leading national trade association representing the global cosmetic and personal care products industry. Founded in 1894, the Council represents more than 600 member companies who manufacture, distribute, and supply the vast majority of finished personal care products marketed in the U.S. As the makers of a diverse range of products millions of consumers rely on every day, from sunscreens, toothpaste and shampoo to moisturizer, lipstick and fragrance, personal care products companies are global leaders committed to product safety, quality and innovation.

CC:

Rep. Joe Pitts (R-Penn.)

Rep. Gene Green (D-Tex.)